

**REMARKS**

This Application has been carefully reviewed in light of the Office Action electronically sent mailed April 24, 2007. Claims 1-20 are pending in this application. Claims 5-12 and 15-19 are withdrawn. Claims 1, 2, 13, 14, and 20 are rejected and Claims 3 and 4 are objected to. For at least the reasons discussed below, Applicants respectfully request reconsideration and favorable action in this case.

**Allowable Subject Matter**

Applicants note with appreciation the Examiner's indication that Claims 3 and 4 would be allowable if rewritten in independent form. However, as discussed below, Applicants believe that the independent claims from which these claims depend are in condition for allowance. Therefore, Applicants have not rewritten Claims 3 and 4 in independent form. Applicants also note that Claim 3 has been amended to depend from Claim 1 instead of Claim 2.

**Section 102 Rejection**

The Examiner rejects Claims 1-2, 13-14 and 20 under U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0215238 issued to Milton et al. ("*Milton*").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P § 2131 (*emphasis added*).

Claim 1 of the Application recites the following limitations:

A node for an optical network, comprising:  
at least one transport element operable to be coupled to the optical network, the transport element comprising an add/drop element comprising:

a rejection filter operable to split an incoming signal that comprises traffic in a plurality of sub-bands into a first signal and a second signal, the first signal comprising the traffic in a first sub-band of traffic channels and the second signal comprising the traffic in the remaining sub-bands of traffic channels of the incoming signal;

a bypass element operable to:

receive the traffic in the first sub-band from the rejection filter;

reject the traffic in a first portion of the first sub-band;

and

forward the traffic in a second portion of the first sub-band; and

an add element operable to:

receive the second signal from the rejection filter without the second signal passing through the bypass element;

receive the traffic in the second portion of the first sub-band from the bypass element; and

combine the traffic in the second signal with the traffic in the second portion of the first sub-band for transport on the network.

Independent Claims 13 and 20 recite similar, although not identical, limitations.

Independent Claim 1 (as well as independent Claims 13 and 20) is allowable because *Milton* does not disclose each and every one of these limitations. For example, *Milton* does not disclose “a bypass element operable to: receive the traffic in the first sub-band from the rejection filter; reject the traffic in a first portion of the first sub-band; *and forward the traffic in a second portion of the first sub-band*” (emphasis added). The Office Action asserts that the claimed bypass element is disclosed by element 19 of *Milton*. For example, the Office Action asserts that element 19 receives traffic in a first sub-band from a rejection filter (which the Office Action indicates is element 19 receiving traffic 12 from element 10). However, even assuming for the sake of argument that the dropping of channels to element 115 is “rejecting the traffic in a first portion of the first sub-band” as recited in Claim 1, Applicants respectfully submit that element 19 does not “forward the traffic in a second portion of the first sub-band.” As is illustrated in Figure 3 of *Milton* and its associated description, all of the traffic 12 forwarded to element 19 from element 10 is dropped to element 115. *See Milton*, ¶s 42-44. Applicants note that, as shown in Figure 3, there is an electro-optic converter for each of the four demultiplexed channels shown coming from element 19. There is no disclosure that any of these channels (or any other traffic received at element 19) is forwarded from element 19 to element 18, as the Office Action asserts. For

this reason, there is no disclosure in *Milton* of “a bypass element operable to: . . . forward the traffic in a second portion of the first sub-band.”

For similar reasons, *Milton* does not disclose “an add element operable to: . . . receive the traffic in the second portion of the first sub-band from the bypass element.” The Office Action asserts that the claimed add element is disclosed by element 18 of *Milton*. However, as noted above, *Milton* does not disclose any traffic being received at element 19 from element 18. Instead the traffic received at element 18 is from element 115 (which traffic being added at the node). *See Milton*, ¶ 45.

For at least these reasons, Applicants respectfully submit that Claim 1 is in condition for allowance. Furthermore, independent Claims 13 and 20 recite similar, although not identical limitations, and are allowable for similar reasons. Therefore, Applicants respectfully request reconsideration and allowance of Claims 1, 13 and 20, as well as the claims that depend from these independent claims.

**CONCLUSION**

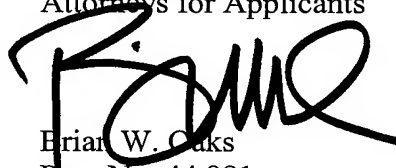
Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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